

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
NEW ERA HOSPITALITY, INC.	§	CASE NO. 11-36492-H5-11
	§	(Chapter 11)
DEBTOR	§	

**DEBTOR'S *EX PARTE* APPLICATION FOR AUTHORITY TO APPOINT
AND RETAIN COUNSEL PURSUANT TO 11 U.S.C. § 327**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, NEW ERA HOSPITALITY, INC., the Debtor herein (the “Debtor”), and files this its *Ex Parte* Application for Authority to Appoint and Retain Counsel Pursuant to 11 U.S.C. § 327 (the “Application”), and in support thereof, would respectfully show unto the Court a follows:

I.

The Debtor has filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code on July 30, 2011 (the “Date of Petition”). From and since the Date of Petition, the Debtor has maintained possession of its property, and has continued to remain in control of its ongoing business affairs as a Debtor-in-possession pursuant to the provisions of 11 U.S.C. §§ 1107 and 1108.

II.

This Court has jurisdiction over the proceedings herein pursuant to 11 U.S.C. § 105, and 28 U.S.C. §§ 151, 157, and 1334. Venue is appropriate herein by virtue of 28 U.S.C. § 1408.

III.

This Motion has been filed *Ex Parte* in accordance with Bankruptcy Rule 9003. Even though the Debtor is filing this Application on an *Ex Parte* basis, it is providing Notice of same

to the United States Trustee.

IV.

Debtor has selected the Milledge Law Firm, P.C. (the "Firm"), and has chosen Samuel L. Milledge of that firm as lead attorney-in-charge. Debtor has selected the Firm for the reason that the members of the Firm have had considerable experience in matters of this character, and Debtor believes that the Firm has the necessary expertise and knowledge to represent it as a Debtor-in-possession in these proceedings.

V.

In the operation and management of the Debtor's business, as Debtor-in-possession, numerous legal questions and matters will arise which require the services and advice of counsel. The professional services to be provided by The Milledge Law Firm, include, *inter alia*:

- (a) to provide the Debtor legal advice with respect to its powers and duties as a Debtor-in-possession in the continued operation of its business, and management of its property;
- (b) to prepare all pleadings on behalf of the Debtor, as Debtor-in-possession, which may be necessary herein;
- (c) to negotiate and submit a potential plan of arrangement satisfactory to the Debtor, its estate, and the creditors at large; and
- (d) to perform all other legal services for the Debtor as a Debtor-in-possession which may become necessary to these proceedings herein.

For the reasons stated above, the Debtor is of the view that it is necessary for it to be authorized to retain counsel to assist in connection with its duties and responsibilities as a Debtor-in-possession. The Debtor has already sought the advice and counsel of the Firm, and would submit to this Court, that the employment of The Milledge Law Firm is in the best

interests of the Debtor, its estate, and to the Debtor's creditors-at-large.

VI.

To the best of Debtor's knowledge, information and belief, The Milledge Law Firm, have no connection of any kind or nature with the creditors, the United States Trustee or any person employed in the office of the United States Trustee, any parties-in-interest, or their respective attorneys and accountants in this case. Samuel L. Milledge and the Firm represent no interest adverse to the Debtor or its estate in the matters upon which they have been engaged by the Debtor. Retention and employment of the Firm would be in the best interests of the Debtor and its estate. The Affidavit of Proposed Counsel pursuant to 11 U.S.C.A. § 327(a) and Fed. R. Bkcty. P. 2014 is attached hereto and incorporated herein for all purposes as Exhibit "A".

VII.

At the present time, the Firm charges the following billing rates:

Samuel L. Milledge, Attorney-in-Charge	\$250.00 an hour
Other Partners/Shareholders	\$250.00 an hour
Associates	\$125.00 to \$175.00 an hour
Law Clerks & Legal Assistants	\$60.00 to \$75.00 an hour

The fees which will be charged on an hourly basis to the Debtor, as Debtor-in-possession, will be the normal and ordinary fees charged by the Firm to its other non-bankruptcy clients, and are favorably comparable to fees being charged by other law firms in this District for services of a similar nature.

Pursuant to 11 U.S.C. §§ 330 and 331, any compensation sought in this bankruptcy case by the Firm will be subject to the scrutiny and authority of this Court.

The undersigned does hereby certify that he has received a copy of the Guidelines on Fee Applications for Attorneys, that he has read and understands the same, and that he will follow such guidelines in making all fee applications.

WHEREFORE, PREMISES CONSIDERED, NEW ERA HOSPITALITY, INC., the Debtor herein, prays for this Court to authorize the employment of the Firm; the Firm be employed on an hourly fee basis to represent the Debtor as a Debtor-in-possession for all matters relating in any way to these proceedings under Chapter 11 of Title 11 of the United States Code.

Respectfully submitted this 18th day of August, 2011.

NEW ERA HOSPITALITY, INC.

BY: /s/Syed R. Mohiuddin, President
Syed R. Mohiuddin, President

OF COUNSEL:

THE MILLEDGE LAW FIRM,

By: /s/Samuel L. Milledge
Samuel L. Milledge
State Bar # 14055300
10333 Northwest Freeway, Suite 202
Houston, Texas 77092
Phone: 713.812-1409
Facsimile: 713.812-1418

CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing instrument was forwarded by U.S. mail, first class postage prepaid to the United States Trustee, 515 Rusk, Suite 3516, Houston, TX 77002 on this the 18th day of August, 2010.

/s/ Samuel L. Milledge

SAMUEL L. MILLEDGE

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**AFFIDAVIT OF PROPOSED COUNSEL PURSUANT TO
11 U.S.C.A § 327(a) AND FED. R. BKTCY. P. 2014(a)**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

“I, Samuel L. Milledge, being duly sworn, depose and state the following:

I.

I am an attorney-at-law duly licensed to practice in the State of Texas. I am admitted to practice in the United States District Court for the Southern District of Texas. I maintain my law practice at the law firm of The Milledge Law Firm, 10333 Northwest Freeway, Suite 202, Houston, Texas 77092.

II.

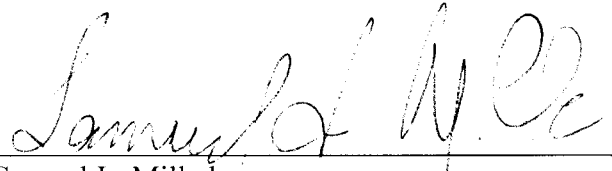
Insofar as I have been able to ascertain at this time, neither I, nor the law firm of The Milledge Law Firm, have any connection with the above-captioned Debtor, its creditors, or any other party-in-interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee. At the present time, my services for all of the firm’s clients are billed at the rate of \$250.00 an hour. The fees which shall be charged by the firm of The Milledge Law Firm, to the Debtor’s estate are as follows:

Other Shareholders/Partners, \$250.00 an hour, Associates, \$125.00 to \$175.00 an hour, and Law Clerks/Legal Assistants \$60.00 to \$75.00 an hour.

III.

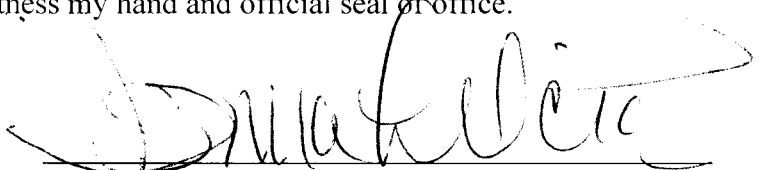
To the best of my knowledge, information and belief, neither I, nor the law firm of The Milledge Law Firm, represent any interest adverse to the Debtor or its estate in the matters upon which we are to be engaged by the Debtor. I believe the employment of The Milledge Law Firm, is in the best interests of the Debtor and its estate.”

Further, Affiant sayeth not.



Samuel L. Milledge

SWORN TO AND SUBSCRIBED BEFORE ME by Samuel L. Milledge, on this the 18th day of August, 2011, to certify which witness my hand and official seal of office.



NOTARY PUBLIC IN AND FOR THE STATE
OF TEXAS

